

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KATHY CLAY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12CV991CDP
)	
HSBC BANK USA, N.A., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff Kathy Clay originally filed this case in the Circuit Court for the City of St. Louis, asserting claims of trespass, conversion, civil conspiracy, negligence, and negligent infliction of emotional distress. Plaintiff served defendant HSBC Bank USA with a copy of that complaint on April 20, 2012. HSBC Bank USA removed the case to this court on June 1, 2012, and Clay filed a motion to remand the case to state court on June 8, 2012.

United States Magistrate Judge David D. Noce held a hearing on the motion to remand on July 10, 2012. Judge Noce issued a recommendation that the motion to remand be granted, noting that the parties agreed at the hearing that defendant's notice of removal was not timely filed and that the matter should therefore be remanded. Neither party has filed objections to that recommendation.


I will adopt the findings and recommendation of Judge Noce as set forth in his order issued on July 10, 2012

Accordingly,

IT IS HEREBY ORDERED that the Recommendation of United States Magistrate Judge David D. Noce [#14] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that plaintiff's motion to remand [#8] is GRANTED.

IT IS FURTHER ORDERED that this case is remanded to the Missouri Circuit Court for the 22nd Judicial Circuit (City of St. Louis) from which it was removed.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 25th day of July, 2012.